IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4584 OF 2003

Mahavir Co-op. Bank Ltd. Kolhapur
and another Petitioners

versus

Sau Shobha Bapuso Patravali
and others Respondents

Shri T.S.Ingle for petitioners.
Shri Sadavarte for respondent no.1.
Shri Datar for respondent no.2.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 1st February 2006

PC :

1. Heard Shri Ingle for petitioner, Shri Sadavarte for first respondent/original revisional applicant and Shri Datar for respondent no.2.

2. With the assistance of Shri Ingle I have perused the true copy of judgement and award dated 1st March 1999 in dispute CCS No.606 of 1997, the true copy of the proclamation notice as well as order under challenge passed by the Divisional Joint Registrar, Co-operative

Societies, Kolhapur.

3. In my view, considering the nature of the dispute and the award of the Co-operative Court, it is clear that the proclamation notice insofar as first respondent is concerned, could not have been enforced or proceeded with. Admittedly, the dispute originally filed is not by the petitioner no.1 bank. It was one of the opponents to the said dispute. As far as bank is concerned, if it were to proceed to enforce it’s rights, it should have adopted independent and appropriate proceedings and then issued a proclamation as far as first respondent is concerned.

4. The order under challenge, therefore, does not require any interference in this Court’s discretionary as well as equitable jurisdiction under Article 227 of the Constitution of India. Petition dismissed.

5. Dismissal of this petition as well as order passed by revisional authority shall not constitute a bar for the first petitioner bank to enforce its rights and recover the amounts from first respondent in accordance with law.

(S.C.DHARMADHIKARI, J.)